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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,300	06/25/2003	Ramon Tam	0212.67133	3228

7590 07/17/2006

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,300

Applicant(s)

TAM ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,11-13,19,20, 22-24, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 3-6,9,10,14-18 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-19-2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. The amendment filed on 5-3-2006 has been entered. The drawings filed on 4-19-2005 are accepted.
2. To ensure proper consideration of the Skil Instruction Manual mentioned on page 2 of the Petition to Made Special filed on 6-28-2004, Applicant is requested to provide a copy of this document in response to this Office action.

Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 8, 11-13, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton, II (U.S. Patent No. 4,238,884).

Walton, II discloses a reciprocating cutting tool comprising a housing (12); a power source (10); a main linkage (44) including an elongate plunger (72) operated by a scotch yoke mechanism (see column 2, line 57); a blade (86); a foot plate (24); a swivel bracket (94,96) indirectly connected to the foot plate (24) and including a portion (132) configured for operating in a see-saw motion; a swivel linkage (118) including a

reciprocating pusher (136) driven by main linkage (44); a bottom bushing (100); a spherical bearing (68) and a track (70) having concave surfaces as claimed.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-24, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann (U.S. Patent No. 4,545,123) in view of Walton, II (U.S. Patent No. 4,238,884).

Hartmann's electric jigsaw comprises a housing (12), a power source (i.e. motor, see Fig.1), a main linkage (74,80,84,92,98,100), a plunger (24), a foot plate (see Fig.1), and a selector mechanism (110) including a transverse orbit pin (116) and a scroll lock arm (44) substantially as claimed except for it lacks a rocker member selectively positioned for exerting a force to a rear edge of the blade.

Walton, II shows a jigsaw comprising a swivel bracket (94,96) selectively positioned for exerting a force to a rear edge of a saw blade (86).

It would have been obvious to one skilled in the art to modify Hartmann by providing the jigsaw with a force exerting swivel bracket to facilitate controlling the orbital movement of the saw blade as taught by Walton, II.

Indication of Allowable Subject Matter

1. Claims 3-6, 9, 10, 14-18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 25-27 are allowed.

Remarks

Applicant argues, at page 11 of the amendment, the description of having the swivel bracket connected to the foot plate is not taught or suggested by Walton or any of the other art of record. Examiner disagrees. Walton's swivel bracket (94,96) can be broadly interpreted as "connected" to (indirectly) to the foot plate (24). What Walton does not show is the swivel bracket having a swivel bracket holder connected to the foot plate as claimed in claim 4 which has been indicated allowable.

Applicant also argues, at page 12 of the amendment, that neither Walton nor Hartmann have orbital as well as rotational movement. On the contrary, Hartmann's plunger and thus the blade attached thereto are both capable of "orbital" and "scrolling" movements (see the Abstract). Walton is used as a teaching for exerting a force to a rear edge of a saw blade to facilitate controlling the orbital movement of the saw blade.

Action Made Final

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

Application/Control Number: 10/603,300
Art Unit: 3724

Page 6

17-2 Payer

H Payer
June 27, 2006

~~Hual-Su Payer~~
~~Primary Examiner:~~